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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUNSET COMMERCIAL LLC, a Nevada
Limited Liability Company,

Plaintiff,

vs.

BAYER CROPSCIENCE, INC., a New York
Corporation; MONTROSE CHEMICAL
CORPORATION OF CALIFORNIA, a
Delaware Corporation; ATLANTIC
RICHFIELD COMPANY, a Delaware
Corporation; OLIN CORPORATION, a
Virginia Corporation, TITANIUM METALS
CORPORATION, a Delaware Corporation;
NL INDUSTRIES, INC., a New Jersey
Corporation; LE PETOMANE XXVII, INC.,
an Illinois Corporation, in its representative
capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE; and the UNITED STATES OF
AMERICA.

Defendants.

Case No. 2:23-CV-02081-GMN-BNW

**STIPULATION AND PROPOSED ORDER
TO EXTEND DEADLINE FOR
DEFENDANT LE PETOMANE XXVII,
INC., an Illinois Corporation, in its
representative capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST
TRUSTEE TO RESPOND TO AMENDED
COMPLAINT (ECF NO. 35)**

(First Request)

Plaintiff Sunset Commercial LLC (“Sunset” or “Plaintiff”) and Defendant LE PETOMANE
XXVII, INC., an Illinois Corporation, in its representative capacity as the NEVADA
ENVIRONMENTAL RESPONSE TRUST TRUSTEE (“NERT”), by and through counsel of
record, and consistent with LR IA 6-1(a), hereby stipulate and agree as follows:

1 On or about April 15, 2024, Plaintiff filed its Amended Complaint. Counsel for NERT has
 2 agreed to accept service of the Amended Complaint and Counsel for Plaintiff has agreed that NERT
 3 shall have 35 days from service of the Amended Complaint (May 6, 2024) to respond to Plaintiff's
 4 Complaint (ECF No. 35) (the "Stipulation").

5 This is the first requested extension of this deadline and is made in good faith and not for
 6 purposes of delay. *See* LR IA 6-1(a).

7 The parties seek to abide by this Court's "Standing Order" filed on December 19, 2023
 8 (ECF No. 9), stating that "Judge Navarro will generally deny a stipulation or motion for a
 9 continuance or extension of time which lacks justification," and that "[s]uch requests may be
 10 granted only in extraordinary circumstances if just cause is presented." The parties to this
 11 Stipulation therefore identify the following points of justification that show just cause exists for
 12 granting the Stipulation:

- 13 1. Sunset filed the instant Complaint against the eight (8) Defendants captioned above
 14 on December 14, 2023, seeking judgment against all Defendants for contribution
 15 damages "for response costs in accordance with CERCLA Section[] 107(a)," (*see*
 16 Complaint "Prayer for Relief" ¶ 1), meaning at least a portion of the Complaint's
 17 allegations (and especially its first two Claims for Relief) necessitate proceeding
 18 against all Defendants together, rather than serially (*see* Compl. ¶¶ 154–78);
- 19 2. The parties to this Stipulation agree it would be fair, not only to themselves but to
 20 the other Defendants, to not require NERT to file an Answer or other response
 21 sooner than other Defendants must file an Answer, since some of Plaintiff's claims
 22 are asserted against all Defendants jointly;
- 23 3. It is the intent of the parties to this Stipulation to use the additional time to explore
 24 the possibility of mediation; and
- 25 4. Discovery has not yet commenced in this case and extending the deadline for NERT
 26 to file a responsive pleading or other response would not prejudice any other party
 27 to this case, nor would it affect any other deadlines at this early stage in the
 28 proceedings.

1 DATED: May 6, 2024.

DATED: MAY 6, 2024.

2 PISANELLI BICE PLLC

PARSONS BEHLE & LATIMER

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4 By: /s/ M. Magali Mercera

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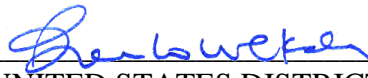
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8 *Attorneys for Defendant LE*
9 *PETOMANE XXVII, INC., an Illinois*
10 *Corporation, in its representative*
11 *capacity as the NEVADA*
12 *ENVIRONMENTAL RESPONSE*
13 *TRUST TRUSTEE*

Attorneys for Sunset Commercial LLC

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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: 5/7/2024

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Parsons Behle & Latimer and that on the 6th day of May, 2024, I filed a true and correct copy of the foregoing document, **STIPULATION AND ORDER TO EXTEND DEADLINE FOR DEFENDANT LE PETOMANE XXVII, INC., an Illinois Corporation, in its representative capacity as the NEVADA ENVIRONMENTAL RESPONSE TRUST TRUSTEE TO RESPOND TO AMENDED COMPLAINT (ECF 35) (FIRST REQUEST)**, with the Clerk through the Court's CM/ECF system, which sent electronic notification to all registered users as follows:

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